

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Crim. No. 21-21 (ECT/BRT)

Plaintiff,

v.

ORDER

Michael John Markwald,
Angela Faith Eisenzimmer,

Defendants.

This matter is before the Court on Defendant Markwald's Second Motion for Extension of Time to File Pretrial Motions (Doc. No. 40), and Defendant Eisenzimmer's Motion to Continue Motion Filing Date (Doc. No. 41) and Statement of Facts in Support of Exclusion of Time Under the Speedy Trial Act (Doc. No. 42).

For good cause shown, the motions are granted. In order to allow both the Government and defense counsel sufficient time to review the discovery and prepare for trial under the circumstances, and pursuant to 18 U.S.C. § 3161(h)(7)(B)(i) and (iv), the Court finds that the ends of justice served by the granting of such continuance outweigh the best interest of the public and the Defendants in a speedy trial. This finding is based on the facts set forth in Defendant Markwald's Second Motion for Extension of Time to File Pretrial Motions (Doc. No. 40), Defendant Eisenzimmer's Motion to Continue Motion Filing Date (Doc. No. 41) and Statement of Facts in Support of Exclusion of Time Under the Speedy Trial Act (Doc. No. 42).

Further, pursuant to the Due Process Protections Act, the Court confirms the United States' obligation to disclose to the defendant all exculpatory evidence - that is, evidence that favors the defendant or casts doubt on the United States' case, as required by *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny, and **ORDERS** the United States to do so. Failure to do so in a timely manner may result in consequences, including, but not limited to, exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, disciplinary action, or sanctions by the Court.

In addition, **IT IS HEREBY ORDERED** that:

1. Defendant Markwald's Second Motion for Extension of Time to File Pretrial Motions (Doc. No. 40) is **GRANTED**.
2. Defendant Eisenzimmer's Motion to Continue Motion Filing Date (Doc. No. 41) is **GRANTED**.
3. All motions in the above-entitled case must be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **April 7, 2021**.¹ D. Minn. LR 12.1(c)(1). **Counsel are advised that Magistrate Judge Thorson does not require any courtesy copies related to pretrial motions. Counsel must electronically file a letter on or before April 7, 2021 if no motions will be filed and there is no need for hearing.**
4. All responses to motions must be filed by **April 14, 2021**. D. Minn. LR

¹ "Before filing a motion under Fed. R. Crim. P. 12(b), the moving party must confer with the responding party. The parties must attempt in good faith to clarify and narrow the issues in dispute." D. Minn. LR 12.1(b).

12.1(c)(2).

5. Any Notice of Intent to Call Witnesses must be filed by **April 14, 2021**.

D. Minn. LR. 12.1(c)(3)(A).

6. Any Responsive Notice of Intent to Call Witnesses must be filed by **April 16, 2021**. D. Minn. LR 12.1(c)(3)(B).

7. All other dates set forth in the Court's February 23, 2021 Order remain in full force and effect. Therefore, in the event motions a hearing is required, the hearing currently set for April 22, 2021 remains set for **April 22, 2021, beginning at 1:30 p.m.** Counsel for the Defendants must file a letter by **April 7, 2021**, indicating whether their clients consent to proceeding with the hearing by video conference. All criminal proceedings that cannot be conducted using videoconferencing are continued until May 2, 2021, except under limited circumstances. (*See* District Court General Order No. 26.)

8. TRIAL

**a. IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANT:
the following trial and trial-related dates are:**

All voir dire questions, jury instructions, and trial related motions (including motions in limine) must be submitted to District Judge Eric C. Tostrud on or before **April 26, 2021**.

A pretrial conference will be held on **May 7, 2021, at 9:00 a.m.** before District Judge Eric C. Tostrud in Courtroom 3B, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, **ST. PAUL**, Minnesota.

This case shall commence trial on **May 10, 2021, at 1:00 p.m.** before District Judge Eric C. Tostrud in Courtroom 3B, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, **ST. PAUL**, Minnesota.

b. IF PRETRIAL MOTIONS ARE FILED, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for District Judge Eric C. Tostrud to confirm the new trial date.

9. The period of time from **March 23, 2021, through April 7, 2021**, shall be excluded from the Speedy Trial Act computations in this case.

Dated: March 23, 2021

s/ Becky R. Thorson

BECKY R. THORSON

United States Magistrate Judge